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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,622	01/06/2004	Yean Kcc Yong	14580-046001	5966
20985	7590	07/17/2006	EXAMINER	
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/752,622

Applicant(s)

YONG ET AL.

Examiner

Wilson Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 5 and 6 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### Remarks

Applicant elects Group I of claims 1-4 without traverse dated 6/27/06.

### Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Yazaki et al. (6,920,109).

Regarding Claim 1, Yazaki discloses a method of flow control in a packet switch, comprising the steps of:

- classifying an incoming packet according to its priority based on predefined rules to produce a lifetime value associated with the packet (See Col. 4, line 33 to Col. 5, line 42);
- sending the packet and associated lifetime value to a queue (See Col. 4, line 33 to Col. 5, line 42);
- periodically changing the lifetime value and comparing the changed value to a threshold value (See Col. 5, line 43 to Col. 6, line 6); and
- removing (discarding) the packet from the queue based on the comparing (See Col. 6, lines 7-34).

Regarding Claim 2, Yazaki further discloses the steps of:

- determining a weight value based on the priority of the packet (See Col. 1, lines 41-64);
- determining a queue occupancy (queue length, L) in a queue to which the packet is assigned (See Col. 1, lines 41-64);
- producing the lifetime value ( $F_i$ ) based on the weight value and the queue occupancy (See Col. 1, lines 41-64); and
- discarding the packet if its associated lifetime value is below the threshold value (e.g. low priority) (See Col. 5, line 43 to Col. 6, line 6).

Regarding Claim 3, Yazaki discloses that the discarding of the packet occurs before sending the packet and associated lifetime value to the queue (See Col. 5, line 43 to Col. 6, line 57).

Regarding Claim 4, Yazaki discloses that lifetime is periodically decremented (by counter 513) and the packet is removed from the queue when reaching the threshold value (See Col. 5, line 43 to Col. 6, line 67).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henderson et al. (7,058,789) discloses a system for packet storage and retrieval. Yu (7,031,341) discloses an interfacing apparatus for adapting Ethernet directly to physical channel. Goren et al. (6,882,623) discloses a multi-level scheduling method. Blumer et al. (6,856,596) discloses an approximation of the weighted random early detection buffer admittance algorithm. Ryu et al. (6,791,949)

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discloses a network protocol for wireless ad hoc networks. Teng (4,642,758) discloses a file transfer scheduling arrangement.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

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Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

7/10/06